



UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE  
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Paper No. 17

In re Application of  
Scott E. Monroe *et al*  
Application No. 09/814,260  
Filed: March 21, 2001  
Attorney Docket No. MI22-1663

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: DECISION ON PETITION  
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The petition under 37 CFR 1.137(a) filed on February 20, 2004 has been referred to the undersigned for consideration as a petition under 37 CFR 1.181 by which petitioners request withdrawal of the examiner's holding that this application stands abandoned for failure to file a proper and timely reply to the Office action dated July 10, 2003. No fee is required for a petition under 37 CFR 1.181.

The petition is granted.

Petitioners allege that they in fact filed a timely and proper reply to the Office action in question. Petitioners have supported this allegation by furnishing a copy of the reply, a copy of an Information Disclosure Statement filed with the reply, and a copy of a request for a one month extension of time that included authorization to charge the required extension fee to counsel's deposit account. Petitioners have also included a copy of the transmittal letter which lists these items and includes a 37 CFR 1.8(a) certificate of transmission dated November 10, 2003, as well as a copy of an auto-reply receipt for these items showing that they were in fact received in the Office on November 10, 2003. This evidence makes it abundantly clear that the application was not in fact abandoned. See, for example, 37 CFR 1.8(b).

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application will be forwarded to the Head Supervisory Applications Examiner to refund the \$110.00 petition fee tendered with this petition to Deposit Account No. 23-0925, and to charge the \$110.00 fee for a one month extension of time which was not charged when the above mentioned request for extension of time was received. It is also noted that the fee for the IDS has apparently been received. The application will thereafter be forwarded to the examiner for action on the reply filed on November 10, 2003.

PETITION GRANTED.

E. Rollins-Cross, Director  
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